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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Frank W. Sudia

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06/09/2009

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EXAMINER

DADA, BEEMNET W

ART UNIT

PAPER NUMBER

2435

MAIL DATE

DELIVERY MODE

06/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/870,584	Applicant(s) SUDIA ET AL.	
	Examiner BEEMNET W. DADA	Art Unit 2435	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,18-21,72-84 and 109-131 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,18-21,72-78 and 116-131 is/are allowed.
- 6) ☒ Claim(s) 79,82-84 and 112-114 is/are rejected.
- 7) ☒ Claim(s) 80,81,109-111 and 115 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in reply to an amendment filed on January 28, 2009. Claims 1, 18, 73, 74 and 127 have been amended. Claims 1, 18-21, 72-84 and 109-131 are pending.

Response to Arguments

Applicant's arguments filed 01/28/2009 have been fully considered but they are not persuasive. Applicant argued that, the art on record fails to teach the limitations 'providing a recipient with a message containing rules of a system, with a secure device containing an inactive form of a public key and ... activating the public key in the device' Examiner disagrees.

Examiner would point out that, Fischer (US 5,214,702) teaches a PKI system, including providing a recipient with a message containing rules of said system (i.e., limitations, capabilities and authorities) and with a secure device containing an inactive form of said public key, wherein said public key cannot be obtained from said device (i.e., granting/canceling authorities, column 19, line 67-column 20, line 67, column 12, lines 53-60 and column 14, lines 26-39), in response to said recipient digitally signing said message, activating said public key in said secure device [column 18, lines 46-64, column 19, line 67-column 20, line 67]. Examiner would point out that the art on record meets the claim limitations and therefore, the rejection is respectfully maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 79, 82-84, 112-114 are rejected under 35 U.S.C. 102(b) as being anticipated by Fischer US 5,214,702.

As per claim 79, Fischer teaches a method of enforcing a security policy in a cryptographic system, said policy including controlling use of a public key, said method comprising:

providing a recipient with a message containing rules of said system and with a secure device containing an inactive form of said public key, wherein said public key cannot be obtained from said device [column 12, lines 53-60 and column 14, lines 26-39]; and

in response to said recipient digitally signing said message, activating said public key in said secure device [column 18, lines 46-64, column 19, line 67-column 20, line 67].

As per claim 82, Fischer further teaches the method wherein said rules include a rule to pay for use by said recipient of intellectual property provided through the system [column 19, line 67-column 20, line 67].

As per claim 83, Fischer further teaches the method wherein a user transaction by said recipient in the system is invalid until said digital signing is performed [column 19, line 67-column 20, line 67].

As per claim 84, Fischer further teaches the method further comprising in response to said signing by said recipient, a certifying authority accepting a transaction from said recipient,

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said transaction based on a user transaction of said recipient in the system [column 19, line 67-column 20, line 67].

As per claim 112, Fischer further teaches the method wherein the public key is certified by an authority [column 19, line 67-column 20, line 67].

As per claim 113, Fischer further teaches the method further comprising: a certifying authority accepting a transaction from the recipient, the transaction based on a transaction of the recipient in the cryptographic system, after demonstration by the recipient of an agreement or consistency with one or more of the rules [column 19, line 67-column 20, line 67].

As per claim 114, Fischer further teaches the method wherein the rules comprise a rule regarding maintaining secrecy of the public key [column 19, line 67-column 20, line 67].

Allowable Subject Matter

Claim 1, 18-21, 72-78 and 116-131 are allowed.

Claims 80, 81, 109-111 and 115 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BEEMNET W. DADA whose telephone number is (571)272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Beemnet W Dada/

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Primary Examiner, Art Unit 2435

June 5, 2009